

## REMARKS

### Status of the Prosecution:

The claims were finally rejected in an Office Action mailed October 21, 2003. Following the final rejection of the claims, a Notice of Appeal was timely filed. The present Amendment, together with the Request for Continued Examination (RCE), is filed responsive to the Advisory Action mailed on March 23, 2004 and the rejections noted therein pursuant to 37 C.F.R. 1.193(a)(2) based on entry of the amendment mailed February 23, 2004.

Claims 1 and 5 are presently pending and under examination. Claim 1 is amended herein to more fully reflect the presence of a single pair of ribs, one at each margin of the base member.

### The Claims are Not Obvious in View of Kapperman *et al* in View of Bentsen.

Claims 1, 3, and 4 were rejected as allegedly unpatentable over Kapperman *et al*. (U.S. Patent 6,004,032) in view of Bentsen (U.S. Patent 4, 673,383). To the extent that the rejection applied to claims 3 and 4, which have been canceled, the issue is moot.

With respect to claim 1, as the Office Action of October 21, 2003 concedes, the result of combining Kapperman *et al*. with Bentsen is, at best, a structure which has "a single rib at the free end [of] each flange *and a plurality of ribs secured to the base member* under the fastening elements. . ." (Page 3 of Office Action of 10/21/03).

Claim 1 has been amended to clarify that there is only a single pair of ribs present, one each at the margins of the closure. Support for the amendment is found throughout the Applicant's specification and in the drawing. See, for example, the specification at page 3 wherein it is stated "each of the closure elements 12 and 14 is provided with **a pair of ribs** 30."

This is not a new issue with respect to the prosecution of the instant case. Applicant previously noted that "[T]he combination of Kapperman and Bentsen, even if made, would not lead to the invention of claim 1, in which the attachment of the ribs are at the margin of both fastener base members." (page 5 of Response of 2/04) Applicant also observed that "the combination would provide ribs which extend *over the whole of the surface* of the female fastener element including its flange portion." (see above Response). In other words,

DOCKET NO.: THOM-0021  
Application No.: 10/070.937  
Office Action Dated: October 21, 2003

PATENT  
REPLY FILED UNDER EXPEDITED  
PROCEDURE PURSUANT TO  
37 CFR § 1.116

the instant invention is directed to a structure with a single pair of ribs, and the combination of Kapperman *et al.* and Bentsen does not lead to such a closure, even ignoring Applicant's assertion that the ribs of Bentsen are for an entirely different purpose. Thus, the combination of Kapperman *et al.* and Bentsen does not teach each and every limitation of the claim, and the *prima facie* case has been overcome.

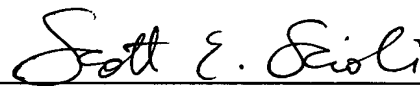
In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) with respect to claim 1.

**Conclusion:**

This amendment is fully responsive to all outstanding issues and places the claims in condition for allowance. An early and favorable Notice to that end is earnestly sought. To resolve any remaining questions prior to the allowance of the claims, the Examiner is invited to contact the Applicant's undersigned representative by telephone at 215-557-5986.

Respectfully submitted,

Date: August 18, 2004



---

Scott E. Scioli  
Registration No. 47,930

Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439